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AB-1639 Crime victims: the California Victim Compensation Board. (2017-2018)

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Assembly Bill No. 1639

CHAPTER 161

An act to amend Section 13962 of the Government Code, relating to crime victims.

[Approved by Governor August 20, 2018. Filed with Secretary of State August 20, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1639, Eduardo Garcia. Crime victims: the California Victim Compensation Board.

Existing law generally provides for the compensation of victims and derivative victims of specified types of crimes by the California Victim Compensation Board from the Restitution Fund, a continuously appropriated fund, for specified losses suffered as a result of those crimes. Existing law sets forth eligibility requirements and limits on the amount of compensation the board may award, and requires the application for compensation to be verified under penalty of perjury. Existing law authorizes the board to deny an application for a claim, in whole or in part, if the board finds that denial is appropriate because of the nature of the victim's or other applicant's involvement in the events leading to the crime, or the involvement of the person whose injury or death gives rise to the application. Existing law requires the board to publicize the existence of this program for the indemnification of victims of crime and the procedures for obtaining compensation under the program. Existing law requires every local law enforcement agency to inform crime victims of the existence of victim centers, and in counties where no victim center exists, to provide application forms to victims who desire to seek compensation pursuant to the program. Existing regulatory law requires each local law enforcement agency to designate a Victims of Crime Liaison Officer who shall devise and implement written procedures whereby victims are notified of these provisions and respond to inquiries from interested persons concerning procedures for filing a claim for compensation.

Existing law defines a shared gang database for purposes of the eradication of criminal activity by street gangs as a database in which a person may be designated as a gang member, associate, or affiliate, including the CalGang system, operated pursuant to federal law.

This bill, the Healing for All Act of 2017, would annually require every law enforcement agency to provide the board with the contact information of the Victims of Crime Liaison Officer. Because the bill would require local agencies to perform additional duties, the bill would impose a state-mandated local program. The bill would annually require the board to make available one hour of training on victim compensation to the Victims of Crime Liaison Officer.

The bill would require the board to conduct outreach to local law enforcement agencies about their duty pursuant to these provisions. The bill would require that the board's outreach and training affirm that neither access to information about victim compensation, nor an application for compensation, shall be denied solely on the basis of the victim's or derivative victim's membership in, association with, or affiliation with, a gang or on the basis of the victim's or derivative victim's designation as a suspected gang member, associate, or affiliate in a shared gang database. The bill would also require that the board's outreach and training affirm that neither access to information about victim compensation, nor an application for compensation, shall be denied on the basis of the victim's or derivative victim's documentation or immigration status.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. This act shall be known, and may be cited, as the Healing for All Act of 2017.

SEC. 2. The Legislature finds and declares both of the following:

(a) It is the intention of the California Victim Compensation Board to assist victims of qualified crime in obtaining compensation for the pecuniary losses they suffer as a direct result of criminal acts.

(b) Victims should be encouraged to access victim compensation services regardless of their own, or their family's, alleged gang membership, affiliation, or association, or their or their family's documentation or immigration status.

(c) Providing resources to victims decreases trauma and suffering and the resulting physical and mental health costs. Providing treatment for trauma caused by crime may interrupt the cycle of victimization.

SEC. 3. Section 13962 of the Government Code is amended to read:

13962. (a) The board shall publicize through the board, law enforcement agencies, victim centers, hospitals, medical, mental health or other counseling service providers, and other public or private agencies, the existence of the program established pursuant to this chapter, including the procedures for obtaining compensation under the program.

(b) It shall be the duty of every local law enforcement agency to inform crime victims of the provisions of this chapter, of the existence of victim centers, and in counties where no victim center exists, to provide application forms to victims who desire to seek compensation pursuant to this chapter. The board shall provide application forms and all other documents that local law enforcement agencies and victim centers may require to comply with this section. The board, in cooperation with victim centers, shall set standards to be followed by local law enforcement agencies for this purpose and may require them to file with the board a description of the procedures adopted by each agency to comply with the standards. The board shall conduct outreach to local law enforcement agencies about their duties under this section.

(c) Every local law enforcement agency shall annually provide to the board contact information for the Victims of Crime Liaison Officer designated pursuant to Section 649.36 of Title 2 of the California Code of Regulations.

(d) The board shall annually make available to the Victims of Crime Liaison Officer at every local law enforcement agency one hour of training on victim compensation in California and materials to educate the officers and staff in their law enforcement agencies and publicize the program within their jurisdictions.

(e) The board's outreach pursuant to subdivision (a) and training pursuant to subdivision (d) shall affirm that neither access to information about victim compensation, nor an application for compensation, shall be denied on the basis of the victim's or derivative victim's membership in, association with, or affiliation with, a gang, or on the basis of the victim's or derivative victim's designation as a suspected gang member, associate, or affiliate in a shared gang database, as defined in Section 186.34 of the Penal Code.

(f) The board's outreach pursuant to subdivision (a) and training pursuant to subdivision (d) shall affirm that neither access to information about victim compensation, nor an application for compensation, shall be denied on the basis of the victim's or derivative victim's documentation or immigration status.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.